IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1663 OF 2007

Dr.Anil Akaram Kate .. Petitioner.

V/s.

State of Maharashtra & Ors. .. Respondents.

Mr.U.B.Nighot for the Petitioner.

Mr.P.I.Chemani, AGP for Respondents.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 16TH MARCH, 2007.

P.C.:

. Rule. Heard forthwith.

2. The petitioner was appointed in August, 1993, purportedly on a contract basis and the same has been continued from time to time. The post has not been advertised and the petitioner appeared before the MPSC for regular selection. The petitioner apprehends that now his services would be terminated, as according to the learned counsel, the government proposed to proceed on the footing that the petitioner is now age barred.

3. Considering the above contention, the petition can be disposed of by issuing the following directions :

i. The petitioner to be continued in service till a regular candidate is duly selected and it will not be open to the Respondents to replace one adhoc employee by another adhoc employee except on disciplinary grounds or for unfitness. The petitioner, therefore, to be continued till the duly selected candidate by the MPSC is selected and joins the post.

ii. Insofar as, the age is concerned, considering the fact that the petitioner has worked nearely for 13 years pursuant to the appointment order, the service he has put in should be considered for relaxing his age requirement and that will not stand in his way of selection.

4. Rule is made absolute accordingly with no order as to costs. Petition is disposed of.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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